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NO. _____

Supreme Court, U.S.
FILED
DEC 15 1987
JOSEPH F. SPANIOL, JR.
CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

____o____

IN RE BERNARD H. GOLDSTEIN,
Petitioner.

____o____

PETITION FOR WRITS OF MANDAMUS
AND WRITS OF PROHIBITION

____o____

__ o __

PETITIONS FOR ORIGINAL WRITS OF MANDAMUS AND WRITS OF PROHIBITION VERSUS THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT ET AL

__ o __

Daniel B. Blake, III
Attorney for Petitioner
Bernard H. Goldstein
910 17th St, NW., Suite 201
Washington, D.C. 20006
(202) 293-4850
(703) 549-4283

5. Whether the condition had developed deliberately or inadvertently, can the Federal Courts permit the timing, orchestrating and even manipulating of the FRCPs, FRAPs and RICO to result in litigants like Goldstein (and even the Profit Sharing Plan) being caught in "Procedural traps" so that they can be effectively denied procedural due process of law which defacto results in confiscating millions of dollars of their property and in that sense depriving them of substantive due process in violation of the 5th (Fifth) Amendment.

6. The Federal Courts should be "...mindful of the possible lethal and drastic effects of (a series of) Partial Summary Judgments, their aims and targets and be ware of possible overkill..." See pages 3, 5 and 11 below.

Brunswick Corp. v. Vineberg

(CA 5th 1967) 370 F2d 605, 612 12

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NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

____o____

IN RE BERNARD H. GOLDSTEIN

____o____

PETITION FOR WRITS OF MANDAMUS
AND WRITS OF PROHIBITION

Introduction:

Pursuant to Jurisdiction and Authority created by 29 USC 1651, 29 USC 959, Rule 21 of FRAP and Rules 26 and 27 of this Supreme Court, and in order and to prevent injustice by the piece-meal disposition of individual issues that in fact require the understanding of related issues in this overall complex litigation, Goldstein, files this Petition for Writs of Mandamus and Prohibition:

STATEMENT OF ISSUES PRESENTED

In addition to facts and issues related in Counts One through Count Five below and "in aid of the Courts appellate

jurisdiction", Petitioner suggests that at this stage of this complex litigation, "adequate relief cannot be had in any other forum or from any other court" than by this writ under Rule 26 of this Court.

1. Considering the heavy case load of this Supreme Court, the most practical solution to this complex litigation is to reverse and remand Case No. 87-281 which is now pending on a 12/3/87 Petition for Rehearing in this Court so that it may be consolidated (See Count Three below) with a Court CA Case 87-0228 now docketed on 9/28/87 (Exhibits Vol. IV, E-225) on appeal in the Circuit Court of Appeals for the District of Columbia in Case No. 87-5297 and under No. 87-5384; the latter is under a 9/2/87 Original Writ of Mandamus (still pending). (See Exhibits Vol. IV, E -p. 232.)

PARTIES AND RULINGS

2. Parties for this Writ are:

a. The parties in Case No. 87-281 are also parties ..." for this Petition. They are Bernard H. Goldstein, (Petitioner); Roy A. Schotland, (Receiver); Department of Labor, (Respondent); and Crawford et al. (Respondents) represented by William Osborn and James Roy, Washington, D.C. Attorneys.

b. The parties in Cases CA 87-0228 (in District Court) and in No. 87-5297 and No. 87-5384 (in the Appellate Court) are listed below. In addition to those in Para. 2 a above, they include: Madison National Bank, Robert Dolan, 495-395 Associates, Gary Hurst, Trustee for Shirley Beltway Ltd. Partnership and Hurst Property Company.

c. The judges of the Circuit Court of Appeals and/or the Panel thereof, are Respondents. Also, a Respondent is the Judge of the District Court, Judge Thomas

Penfield Jackson. In addition, as provided for below, and in 3 a above the Secretary of Labor and the Receiver, Roy A. Schotland should be served with Writs hereunder. Furthermore, service should be made on the Solicitor General, Charles Fried, representing the Department of Labor.

4. Rulings

a. Rulings in Case No. 87-281 are:

(1) The Court of Appeals on 3/27/87 (Pet. 1a-13a) recognized "offset" under ERISA (29 USC 1101) and appears to affirm the 7/6/86 RICO order but failed to rule on several key issues on appeal, namely (a) a 60(b) Motion and (b) an order approving the private sale of BRIL real estate. Petition for Rehearing was denied by the Appellate Court on 5/21/87. (Pet. 13a-15a)

(2) Petition for Certiorari filed 8/16/87 / was denied on 11/9/87 by this Supreme Court and pending is a Petition for a Rehearing which was filed 12/3/87.

b. Rulings in CA No. 87-0228:

(1) 1/30/87 and 2/9/87 Complaints were filed requesting a constructive trust on the BRIL real estate purchased by Robert Dolan at a flawed foreclosure sale for $535,000 on 2/27/85 and sold to Gary Hurst on 11/6/86 for $2,500,000 and $3,100,000 as a "fair market price." **

FOR DETAILED STATEMENTS OF THE CASE*

5. In addition to statements above and below, see the following references to Goldstein Appellate Court Briefs, copies of which are included in Exhibits Vol. III, P, Q, R, S, pp. E-110 to E- 205.

* For comparison, note the procedure followed in State Ex Rel Gary Railways, Inc. v Roszkowski, 110 NE 2 746.. In this case as in that Gary Railway Case, if just cause not shown by the stated date, the 3/27/87 decision of the Appellate Court would be reversed by this Court.

** See: Fairfax County (Va.) Deed Records Vol. 6542 at page 180.

FOR DETAILED STATEMENT OF FACTS*

6. In addition to statements above and below see the following references to Goldsteins' Appellate Court Briefs, copies of which are included in Exhibits Vol. IV, U, V, W, pp. E-220 to E-254.

COUNT ONE

7. For reasons stated herein and by an original Writ of Mandamus this Supreme Court should order the United States Court of Appeals for this Dist. of Columbia to show cause to this Court by not later than January 5, 1988 why the 3/27/87 decision of that court should not be reversed by this Court. Specifically that 3/27/87 decision should be reversed because by making that 3/27/87 decision the Appellate Court failed to follow two US Supreme Court precedents namely:

a. Sadima et al. v. Imprex, 473 US 479, 496, 497 & 498; 87 L Ed 2d 346, 359.

b. Browder v. Illinois Dir. of Corrections (1973), 434 US 257, 272, 54 L. Ed. 523, 536. A clear concise statement of these reasons for such a reversal of this 3/27/87 appellate court decisionsare stated in Goldstein's 11/3/87 Reply Brief for his 8/16/87 Petition for a Writ of Certorari in Case No. 87-281. To avoid unnecessary repetition the detailed reasons given in that brief are incorporated hereby reference and a copy of it is included as Goldstein Exhibit Vol. IV, X p. E-255.

COUNT TWO

3. For reasons stated herein in order to conserve and protect the real estate asset of BkIL Real Estate Partnership, which is the subject of Appeals to this Supreme Court in Case No. 87-281 and which is currently in the protective custody of a federal equity court receiver in Federal District Court in CA No. 33-0780 and No. 83-

0940, this Supreme Court should by Writ of Mandamus issue specific orders to the two fiduciaries (in CA 83-0780 and No. 83-0940) the Dept. of Labor, and to the Receiver, Mr. Roy A. Schotland in No. 83-0780 and No. 83-0940), and these specific orders should provide:

a. That each (as a part of its or his fiduciary duty) should by negotiation or litigation establish for the benefit of the BRIL Real Estate Partnership a constructive trust on the BRIL Partnership Real Estate (or windfall profits) which are currently in the physical possession of Mr. Robert Dolan, Mr. Gary Hurst, the Shirley Beltway Ltd. Partnership and 495-395 Associates under flawed foreclosure sales referred to in Paragraph 4, b, (1) above.

COUNT THREE

9. For reasons stated herein this Supreme Court should mandate the Appellate Court to consolidate the following

litigation for review by it so that the U.S. Circuit Court of Appeal prospective decision on this overall litigation can be reviewed on appeal or Certiorari as this Surpeme Court may deem necessary:

"... in aid of the [US Supreme] Courts appellate jurisdiction..." under its Rule 26 in event that ... this Supreme Court subsequently decides that ...such appellate court ....action hereby mandated" needs further appellate court review by this Court.

B. Also the Court of Appeals or this Supreme Court can write a potential landmark opinion that clarifies the related meanings of "offset", "forfeiture", "restitution" and equity of redemption (Cf. p. 14 of Goldstein's 12/3/87 Petition for Rehearing).

COUNT FOUR

10. That in addition to paragraph 7 above, this Supreme Court by an original writ of Mandamus and Prohibition should order the Appellate Court to take the following action namely:

(a) To consolidate under its direction and control all the interrelated and interdependent issues involved in this overall litigation to the end that equal justice be done for all litigants. (1) That this shall include restitution to the Plaintiffs if and to the extent that restitution is due under ERISA. (29 USCA 1109) (2) But on the other hand, it should not include the unjust enrichment of Plaintiffs at the unnecessary expense and unlawful gouging of the Defendant Goldstein.

(3) As a part of that consolidated litigation the Appellate Court should consider: the following paragraphs in Petitions 12/3/87 Petition for Rehearing, viz:

Paragraphs 2-A, 2-B, 2-D, 2-E, 2-F and 2-G thereof.

COUNT FIVE

11. By original Writs of Mandamus and/or Prohibition this Court should issue the following orders to Judge Penfield Jackson the U.S. District Court Judge for the District of Columbia in the following Cases in CA No. 87-0228, CA No. 83-0780 and No. 83-0780.

a. That he should order the Plaintiffs Attorney John R. Mooney (and or his law firm) to return to the U.S. District Courts Clerks Office for safe keeping, the 4 envelopes of sealed material released to Mr. Mooney with the approval of Judge Jackson on 2/3/87. In addition, he

should assure himself that all of the returned sealed records are complete and that they are accompanied by an affidavit of plaintiffs counsel that all of the sealed records are complete.

b. He (and any US District Court Judge that may succeed him in this litigation) is prohibited from and should not approve the dismissal of the Receiver Mr. Schotland while any part of this overall litigation is pending. This order should include, not only Case No. 87-281 now in this Supreme Court, but also Case No. 87-5297 (including CA No. 87-0228) now pending in the Appellate Court, and also Cases CA No. 83-0780, No. 83-0940 and CA -0228 in the District Court.

c. That after he has administratively taken care of 3 a above and has complied with 3 b above, he should "proceed no further" in this litigation because Goldstein had filed under 28 USC

144 in good faith affidavits on June 15, 1987 and Sept. 9, 1987 that "the judge had a personal bias or prejudice...against him..."

d. Since the Goldstein affidavit is based on personal bias or prejudice against him under 28 USC 144 and not just on familiarity with the previous litigation in the Case under 28 USC 455 Judge Jackson ceased having jurisdiction in this case and in this litigation..." Also see Berger v. U.S., 255 U.S. 22, 36, which should be interpreted so that once it established that the judge has a personal bias or prejudice he should "proceed no further " in any future litigation with that litigant, and that a litigant not only "may" but need to "file only one such affidvait..." ;the District Court Case cited by Judge Jackson to support his refusal to disqualify himself applies only under 28 USC 455 and not under 28 USC 144. See Burger Case above.

e. For reasons stated in para. "d", above, Judge Jackson did not have jurisdiction to make its ruling on 5/22/87. Also any other substantive ruling (as distinguished from administrative action like that suggested in para. 3 a above) is not binding on the Appellate Court in Appeal No. 87-5297. However, since the facts are not in dispute and the appeal was timely filed, the action of Judge Jackson 5/22/87 should not adversely affect the future decision of either the Appellate Court or this Supreme Court.

f. A purpose of this requested writ in this Count Five is to prevent Judge Jackson from taking any further action which may complicate future disposition of this litigation which he might otherwise take in the mistaken belief that Judge Jackson has jurisdiction to do so. And the foregoing applies not only to the DRIL Partnership Real Estate involved in Appeal

No. 37-5297 but also to any other assets now in the custody the Receiver in CA Cases No. 33-0780 and No. 33-0940.

12. This Supreme Court should by Writ of Mandate order Judge Jackson to make available to this Supreme Court and to the Appellate Court the sealed documents described in paragraph 11 above, and in the Special Bill of Exceptions which appears in Attachment No. 1 hereto and in Exhibits IV., 2-220. As disclosed by the Court docket sheets and by the affidavit in the attached Special Bill of Exemptions, these sealed documents, have not been available after Feb. 2, 1987 to either appellate court during the critical periods of their appellate review of these interrelated cases.

CONCLUSIONS

13. A. Your Petitioner suggests to this Supreme Court that preliminary and temporary alternative writs (see and Cf: 110 NE 2d 746 -1953) should be issued on or about December 18, 1987 commanding the defendants listed below to take those actions specified, below, with respect to them or show cause why the same should not be done, and that on or before a preliminary or final hearing to be held on January 5, 1988 at which time a peremptory, permanent and final writ may issue commanding each defendant to take the action specified below with respect to him or them. Compare 110 NE 2d 743.

14. B. In accordance with the foregoing the following separate orders and temporary writs of mandamus and

prohibition should be issued and served on the respondents or the defendants listed below:

(1) To the U.S. Court of Appeals for the District Columbia or a panel thereof (herein called Court of Appeals): This Court of Appeals should show cause, if any, why this Supreme Court should not reverse and remand to the Appellate Court the 3/27/87 Order of the Appellate Court for failing to comply with the following U.S. Supreme Court Cases. In reviewing these cases, this Court should re-examine paragraphs I and II on pages 2-7 of Goldsteins 11/3/87 Reply Brief in Case No. 87-281 in this Court. And, it should review these cases as they apply to the Goldstein litigation in Case No. 87-281 now pending in this Supreme Court on Petition for Rehearing, viz:

a. Sedima et al v. Imprex Co. (1985) 473 U.S. 479, 496, 497 499; 87 L Ed 2d. 346, 359.

b. Browder v. Ill. Dir. of Corrections (1973), 434 U.S. 22, 36 ; 54 L. Ed. 523, 536

(2) To the Court of Appeals: This Appellate Court should show cause why, if any, the Court of Appeals should not consolidate in the Appellate Court the following cases:

a) Case No. 87-281 now pending on a 12/3/87 Petition for Rehearing in this Supreme Court. (See and note Para. 14-B-(1) above.

b) District Court (CA) Case 87-0228 now docketed as of 9/28/87 on Appeal in the Court of Appeals for the District of Columbia in Case No. 87-5297 and under No. 87-5384; the latter is under a 9/2/87 Original Writ of Mandamus and Prohibition.

c) District Court (CA) Case No. 83-0980, No. 83-0780, and No. 87-0223.

(3) To the following fiduciaries in Case No. 87-281 et al:

-- To the Secretary of Labor as represented by his Solicitor in and by the Solicitor General of the United States in Case No. 37-281.

-- To Hoy A. Schotland, Receiver in Case No. 37-281 and other federal courts for the BRIL Real Estate Partnership and the Profit Sharing Plan in Case No. 37-281 and related federal cases. (C.A. No. 83-0780 and No. 83-0940)

a. Each of the foregoing fiduciaries should be ordered to show cause, if any, why each should not (by negotiation or litigation) establish a constructive trust on the BRIL Real Estate and on the "wind-fall" profits resulting from the flawed 11/6/86 sale

of the BRIL Real Estate from Robert A. Dolan et al, to Gary A. Hurst et al.

b. Each fiduciary should (unless otherwise authorized by this Court or the Appellate Court) be ordered to refrain form terminating the current receivership under Cases No. 87-281, No. 83-0780, 83-0940, and 87-0228.

____o____

Basic Reasons and Justifications For All Writs

____o____

c. The justification for and reasons for the creation of these constructive trusts in para. 3a above is stated concisely in paragraphs 3, 4, and 5 on pp. 2, 3, and 4 of Goldstein's Supplemental Brief in Case No. 87-281 in this Supreme Court. It has been and is being developed in Cases No. 87-0228 and No. 87-5297 and No. 87-5384. All involve the enforcement of and the

protections of the property rights of Bernard Goldstein and the BRIL Partnership under the following U.S. Federal Law Cases:

Issacs v. Hobbs Tie & Timber Co. (1931) 282 US 734, 737, 51 S Ct 270, 272.

ExParte Taylor (1893) 149 US 164, 181; 13 S Ct 785, 789.

Durret v. Wash. Nat'l Ins. Co. (1980) 621 F 2d 201, 203-204.

The fragmentation of this litigation over the ownership of the BRIL Partnership Real Estate in the District, Appellate and Supreme Courts, all in Federal Courts, emphasizes the urgency of consolidating all of this litigation in this Court or, preferably and currently, in the Appellate Court or a panel thereof. This consolidation of issues is the basic objective and thrust of this Petition for this extraordinary writ and this is also

concisely stated in Paragraph 3, 4 and 5 on pages 2, 3, and 4 of Goldstein's 11/3/87 Supplemental Brief in Case No. 87-281 in this Supreme Court.

The need for this consolidation of inter-related and interdependant issues is stated clearly in paragraph 5 and 6 of the Problems Presented on pages "(i)" of the 11/3/87, Goldstein Reply and Supplemental Briefs, and on page "(i)" of this Petition.

Concerning the issuance, validation, and service of the writs the following suggestions are made. As a part of this verified Petition are drafts of proposed temporary and alternative writs of mandamus and writs of prohibition for validation and issuance by the Clerk of the U.S. Supreme Court for and on behalf of that Court to be returnable on or before December 18,1987. At that time (and at

that hearing) the defendants (or respondants) should show cause, if any, why these temporary writs should not be made permanent.

In addition, it is suggested that service of these temporary writs shall be made on the parties concerned by the Clerks of U.S. District Court and the Circuit Courts of Appeal for the District of Columbia. In this regard, all parties including Mr. Robert Dolan and Mr. Gary P. Hurst in CA Case No. 87-0223 are involved in this litigation relating to the BRIL Partnership Real Estate in Cases before the District and Appellate Court. Under the circumstances independant process servers should not be necessary in order to serve writs on all necessary respondents.

(4)To the U.S. District Court for the District of Columbia Judge Thomas Penfield Jackson (who has participated in all of the foregoing complex litigation) the following orders are directed, viz: This Supreme Court should issue the following commands and orders:

a) That he should direct, order and supervise the return to District Courts' Clerks Office for safe keeping all of the documents under seal which were released by Judge Jackson on 2/3/87 to Plaintiffs Attorneys' (John R. Mooney and William W. Osborne, Jr.) Also, the return of those documents shall be accompanied by an affidavit by said attorneys as to whether all of the returned documents are complete.

b) That he should be prohibited from and should not approve the termination of the Receivership of Mr. Roy A. Schotland without the approval of this or the Appellate Court while any part of this litigation is pending.

c) That after he has administratively taken the action in paragraph 4 a above he should be prohibited from taking any further action in and should "proceed no further" in this litigation because Mr. Bernard H. Goldstein had filed on or before June 15, 1987 in good faith under 28 USC 144 an affidavit that the "judge had a personal bias and prejudice...against him..."

d) That as a consequence of the statements and provisions of paragraph "c" above it now appears that the Judge did not have jurisdiction to issue the 3/22/87 order dismissing Goldstein's

complaints in CA Case No. 87-0228 and as a result thereof that order should be declared null and void. Also, a notation of these facts should be made in any temporary writ of mandamus and prohibition issued by this Court. These alternative writs should be made permanent on January 5, 1988 if not contested by the respondents or defendants (see and Cf. again 110 NE(2)746 [1] and [2], a case in which Petitioner's Attorney participated in 1953).

(5) To Robert Dolan, 495-395 Associates, Gary P. Hurst, Trustee for Shirley Beltway Ltd, Partnership and Hurst Property Company, the following notice is hereby given to each, as the current custodians of the BKIL Partnership Real Estate, and the "windfall" profits from the flawed

11/6/86 sale of the BRIL Partnership Real Estate viz:

(a) A temporary constructive trust should hereby be imposed in favor of the BRIL Partnership on the BRIL Partnership Real Estate and the "windfall" profits from the flawed 11/6/86 sale of the BRIL Real Estate. Also the defendants and respondants in this paragraph 5 are ordered to show cause, if any, on or before January 5, 1988, why that constructive trust should not be made permanent for the duration of this litigation.

15. A. Concerning the issuance, validation and service of the writs and orders the following suggestions are made.

1. Two separate alternative temporary writs to the Appellate Court, to be served through the Clerk of that Court. (See Para. 14-B-(1) and 14-B-(2) above).

2. Two separate alternative temporary writs to each fiduciary; one to the Receiver and one to the Secretary of Labor, each to be served by either the Clerk of the Appellate Court or the Clerk of the District Court. (See Para. 14-B-3 above)

3. One alternative temporary writ to Thomas Penfield Jackson, Judge of the District Court, to include items "a", "b", "c" and "d" of Para. 14-b-4 above; this writ to be served by the Clerk of the District Court.

4. Two alternative temporary orders of this Supreme Court, one directed to Robert Dolan and 395-495 Associates, and the other directed to Gary P. Hurst, the Shirley Beltway Ltd., Partnership and Hurst Property Company to be served on each by the District Court Clerk. (See: Para. 14-B-5.)

B. In addition it is suggested that service of these alternative temporary writs and orders be made on the parties concerned by the Clerks of the U.S. District Court and Circuit Court of Appeals for the District of Columbia. In this regard all parties including:

Mr. Robert Dolan and Mr. Gary P. Hurst in CA Case No. 87-0223 are involved in this litigation relating to the BRIL Partnership Real Estate in Cases before the District and Appellate Court. Under the circumstances independent process servers should not be necessary in order to serve orders or writs on all necessary respondents.

Although not literally a writ of mandate ; nevertheless, it is timely and appropriate for this Supreme Court in a current order to impose this constructive trust in order to

facilitate the consolidation of the different fragmented parts of this complex litigation.

WHEREFORE: A. Your Petitioner suggests to this Supreme Court: (1) That original temporary alternative writs of mandamus and prohibition should be issued to the defendants as stated under Conclusions above, (2) That it command each of the defendants or respondents to take the action specified in each temporary writ, and (3) That this Court order each of the defendants (or respondents) to show cause, if any, on/or before January 5, 1988, why the said orders or writs of mandamus and/or prohibition should not be made permanent (Cf 110 NE 746).

B. Also each writ should refer to the Count or paragraph (in the accompanying Petition) to which it refers as outlined in Conclusions above.

Respectfully submitted,

Daniel B. Blake, III
Attorney for Petitioner
Bernard H. Goldstein

Affidavit

State of Virginia)
City of Alexandria) ss.

The statement in this Petition are true and correct as I verily believe.

Counsel for Petitioner

Subscribed and sworn to before me on this 15th day of December, 1987.

Notary Public

(SEAL)

My commission expires: June 14, 1991

CASE NO.

IN THE
SUPREME COURT OF THE
UNITED STATES

____o____

IN RE: BERNARD H. GOLDSTEIN

____o____

IN THE PETITION OF BERNARD H. GOLDSTEIN FOR AN EXTRAORDINARY WRIT OF MANDAMUS AND PROHIBITION

____o____

A SPECIAL BILL OF EXCEPTION BY AFFIDAVIT OF DANIEL B. BLAKE, III.

____o____

AFFIDAVIT OF DANIEL B. BLAKE, III RELATING TO DOCUMENTS NOT AVAILABLE TO THE UNITED STATES COURTS OF APPEALS FOR CONSIDERATION IN CASE NOS. 84-5627, ET AL AND NOT AVAILABLE TO THE SUPREME COURT OF THE UNITED STATES IN CASE NO. 87-281

____o____

Certain sealed documents were ordered returned to the Plaintiff's Counsel by the United States District Court on Februrary 3, 1987; approximately 53 days before the March

27, 1987 ruling of the United States Court of Appeals in Case Nos. 84-5627 Et. Al. The contents of these sealed documents are still not available to Petitioner or to the Appellate Courts.

The results of this action by the United States District Court may have deprived the United States Court of Appeals and the Supreme Court of the United States of information relevant to their ajudication of Case No. 84-5627 on March 27, 1987 and their denial of request for Reconsideration on May 21, 1987.

This action of the District Court was not included in the Court Records until June 17, 1987 (Exhibits F and G). All parties to this litigation were not advised of the actions of the United States District Court; examination of the Docket Sheets in CA

83-0780 and 83-0940 by the Defendant, (Appellate) Bernard H. Goldstein revealed the action.

CONCLUSION

The accuracy of these statements can be confirmed by examination of the Docket Sheets in Case Nos. 83-0780 and 83-0940, and 84-5627, Et Al.

It is requested that this Court order that these records be made available for examination by the United States Court of Appeals for Case No. 84-5627 et al, and by the Supreme Court of the United States for Case No. 87-281.

Respectfully submitted,

Daniel B. Blake

Daniel B. Blake, III

State of Virginia
Subscribe to and Sworn before me this
12TH day of December, 1987.

Notary Public
Exp 7-28-89

E-222

CLERK'S OFFICE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20001

F *

Crawford 3/2/87

vs.

Berrard

Civil Action 83-790/83-940

Dear Judge Jackson,

Laing Bowles, our Clerk's Office Intern, is completing an audit of the approximately 2400 pieces of material in our vault. He is hoping to complete this project by March 31, 1988.

The Clerk's Office has envelopes of sealed material that were filed in the above entitled action. This material is taking up needed space in our vault. The docket indicated that appeals have been exhausted and the last date of any activity was 6/30/86.

We are requesting one of the following courses of action:

2-3-87

✓ Return the documents to counsel. (If the counsel don't wish the material we will shred and destroy.)

____ Retain material in vault.

____ Send to chambers for review.

*

REBECCA J. T. BATES
Manager Courtroom Division

* NOTE: All handwritten entries are disclosed on Documents F and G. Cf. Exhibits Vol. IV p. E-220.

CLERK'S OFFICE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20001

G

2/27/87

John R. Mooney

RECEIVED MAR - 4 1987

Crawford, et al vs. Bernard, et al

Civil Action 83-78c/83-940

The Clerk's Office has 4 envelopes of sealed material that were filed by you in the above entitled action on 7/8/83, 6/30/83, 1/30/85, 4/8/85.

FILED

JUN 17 1987

CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

This material is taking up needed space in our vault. The Court has therefore, directed us to return this material to you or, if you desire, we will shred and destroy the material. If you wish us to destroy the material, please so indicate on the enclosed copy of this letter and return it to this office in the envelope provided.

If you wish to pick up this material, please contact me within thirty (30) days from the above date to arange an appointment.

No response to this letter within thirty (30) days will result in the material being destroyed.

James F. Davey, Clerk

By: _____
Rebecca J.T. Bates
Manager, Courtroom Div
(202) 535-3531

Received
Charles T. Peller
3/6/87

4:75 P